

# **APPENDICES**

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## Appendix I: Information About Cases and Forms

### A. Information About Current Status Of Cases, Settings, Etc. (Judges' Letter Designation Before Name)

Information concerning the status of cases, motion settings, pretrial settings, trial settings or other scheduling information is kept by either the courtroom deputy or the judge's secretary. This information may be obtained by calling:

(R)	Chief Judge Jerry	<b>BUCHMEYER</b>	214/753-2295
(J)	Judge Mary Lou	<b>ROBINSON</b>	806/324-2355
(G)	Judge A. Joe	<b>FISH</b>	214/753-2310 (civil) 214/753-2315 (criminal)
(D)	Judge Sidney A.	<b>FITZWATER</b>	214/753-2336
(C)	Judge Sam R.	<b>CUMMINGS</b>	806/472-7359
(A)	Judge John H.	<b>McBRYDE</b>	817/978-7574
(P)	Judge Jorge A.	<b>SOLIS</b>	214/753-2346
(Y)	Judge Terry R.	<b>MEANS</b>	817/978-4207
(X)	Judge Joe	<b>KENDALL</b>	214/753-2355
(L)	Judge Sam A.	<b>LINDSAY</b>	214/753-2365
(M)	Judge Barbara M.G.	<b>LYNN</b>	214/753-2420
(E)	Senior Judge Eldon B.	<b>MAHON</b>	817/978-2011
(H)	Senior Judge Barefoot	<b>SANDERS</b>	214/753-2375
(T)	Senior Judge Robert B.	<b>MALONEY</b>	214/753-2320

### B. Information About Entry Of Legal Documents And Orders

Each civil case is assigned (1) to a judge by random draw and (2) to a docket clerk who maintains the recording of the documents filed by the Clerk *by the judge's letter designation in the civil action number*. For information about what legal documents have actually been filed and entered on the official docket sheet, call:

#### Dallas Division

For Case Numbers Ending:

R	214/753-2176
G	214/753-2179
T	214/753-2175
D	214/753-2180
P	214/753-2183
X	214/753-2177
H	214/753-2184
L	214/753-2181
M	214/753-2182

Other judges

Dallas cases only 214/753-2184

#### Abilene Division

All Cases: 915/677-6311

#### Amarillo Division

All Cases: 806/324-2352

**Appendix I, continued**

**Fort Worth Division**

For Case Numbers Ending:

A	817/978-0020
Y	817/978-0018
E	817/978-3657

Other judges	
Fort Worth cases only	817/978-0020

**Lubbock Division**

All Cases:	806/472-7624
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**San Angelo Division**

All Cases:	915/655-4506
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**Wichita Falls Division**

All Cases:	940/767-1902
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**Appendix I, continued**

**C. Summons in a Civil Action**

AO 440 (Rev. 10/93) Summons in a Civil Action

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**United States District Court**

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DISTRICT OF \_\_\_\_\_

**SUMMONS IN A CIVIL CASE**

**V.**

CASE NUMBER: \_\_\_\_\_

TO: (Name and address of defendant)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(BY) DEPUTY CLERK

Appendix I, *continued*

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____            _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left: _____            _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: _____            _____            _____         </div> <div> <input type="checkbox"/> Other (specify): _____            _____            _____         </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           Executed on _____  <div style="text-align: center; font-size: small;">Date</div> </div> <div style="width: 45%;">           _____  <div style="text-align: center; font-size: small;">Signature of Server</div>             _____  <div style="text-align: center; font-size: small;">Address of Server</div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Appendix I, continued

D. Civil Cover Sheet

JS 44  
(Rev. 12/96)

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## DEFENDANTS

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |  |  |                            |                            |
|--|--|----------------------------|----------------------------|
| PTF  | DEF  | PTF                        | DEF                        |
| <input type="checkbox"/> 1 Citizen of This State                   | <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 Citizen of Another State                | <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 119 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 129 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 229 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 841 HIA (1395ff) <input type="checkbox"/> 842 Black Lung (923) <input type="checkbox"/> 843 DIWC/DWW (405(g)) <input type="checkbox"/> 844 SSD Title XVI <input type="checkbox"/> 845 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## Appendix I, continued

JS 44 Reverse  
(Rev. 12/96)

### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44 Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs - Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P. which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below: federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**V. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

## Appendix II: Table of Divisions

The following table sets forth the official number and name of each Division of the Northern District of Texas, the counties that each Division encompasses, and the name, mailing address, and telephone number of the Clerk, the District Judges, the Magistrate, and the Bankruptcy Judges for each Division.

### 1. Abilene Division

Comprises the counties of Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton.

Ms. Marsha **ELLIOTT**, Deputy-in-Charge ..... 915/677-6311  
341 Pine Street, Room 2008  
Abilene, Texas 79601-5928

Judge Sam R. **CUMMINGS** ..... 806/472-7459  
1205 Texas Ave., Room C-210  
Lubbock, Texas 79401-4002

Magistrate Judge Nancy **KOENIG**. .... 806/472-7380  
1205 Texas Avenue, Room 211  
Lubbock, Texas 79401-4002

Magistrate Judge Billy W. **BOONE\*** ..... 915/695-7460  
P.O. Box 2797  
Abilene, Texas 79604

Bankruptcy Judge Robert L. **JONES** ..... 806/472-5020  
1205 Texas Avenue  
Lubbock, Texas 79401

\* Part-time Magistrate Judge

### 2. Amarillo Division

Comprises the counties of Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

## Appendix II, *continued*

Ms. Lynn **SHERMAN**, Divisional Manager . . . . . 806/324-2352  
205 E. Fifth Street, Room 133  
Amarillo, Texas 79101-1559

Judge Mary Lou **ROBINSON** . . . . . 806/324-2354  
205 E. Fifth Street, Room 226  
Amarillo, Texas 79189-1559

Magistrate Judge Clinton E. **AVERITTE** . . . . . 806/324-2335  
205 E. Fifth Street, Room 326  
Amarillo, Texas 79189-1559

Bankruptcy Judge Robert L. **JONES** . . . . . 806/472-5020  
624 S. Polk Street  
Amarillo, Texas 79101

### 3. **Dallas Division**

Comprises the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall.

Ms. Karen **MITCHELL**, Clerk of Court . . . . . for recorded information: 214/753-2200  
1100 Commerce Street, Room 14A20 . . . . . for assistance: 214/753-2201  
Dallas, Texas 75242-1495

Chief Judge Jerry **BUCHMEYER** . . . . . 214/753-2295  
1100 Commerce Street, Room 15D28A  
Dallas, Texas 75242-1598

Judge A. Joe **FISH** . . . . . 214/753-2310  
1100 Commerce Street, Room 15D6L  
Dallas, Texas 75242-1597

Judge Sidney A. **FITZWATER** . . . . . 214/753-2333  
1100 Commerce Street, Room 15A3  
Dallas, Texas 75242-9970

Judge Jorge A. **SOLIS** . . . . . 214/753-2342  
1100 Commerce Street, Room 16G36  
Dallas, Texas 75242

**Appendix II, continued**

Judge Joe <b>KENDALL</b> .....	214/753-2355
1100 Commerce Street, 16th Floor	
Dallas, Texas 75242	
Judge Sam A. <b>LINDSAY</b> .....	214/753-2365
1100 Commerce Street, Room 13B31	
Dallas, Texas 75242	
Judge Barbara M.G. <b>LYNN</b> .....	214/753-2420
1100 Commerce Street, Room 15E26	
Dallas, Texas 75242	
Senior Judge Barefoot <b>SANDERS</b> .....	214/753-2375
1100 Commerce Street, Room 15E6C	
Dallas, Texas 75242	
Senior Judge Robert <b>MALONEY</b> .....	214/753-2320
1100 Commerce Street, Room 13E15	
Dallas, Texas 75242	
Magistrate Judge Wm. F. <b>SANDERSON, Jr.</b> .....	214/753-2385
1100 Commerce Street, Room 14E9	
Dallas, Texas 75242	
Magistrate Judge Jane J. <b>BOYLE</b> .....	214/753-2393
1100 Commerce Street, Room 15C40	
Dallas, Texas 75242	
Magistrate Judge Jeff <b>KAPLAN</b> .....	214/753-2400
1100 Commerce Street, Room 16F41	
Dallas, Texas 75242	
Magistrate Judge Paul D. <b>STICKNEY</b> .....	214/753-2410
1100 Commerce Street, Room 15A28	
Dallas, Texas 75242	

**Appendix II, continued**

Chief Bankruptcy Judge Robert C. **McGUIRE** ..... 214/753-2016  
1100 Commerce Street, Room 14A4  
Dallas, Texas 75242

Bankruptcy Judge Steven A. **FELSENTHAL** ..... 214/753-2040  
1100 Commerce Street, Room 14A4  
Dallas, Texas 75242

Bankruptcy Judge Barbara J. **HOUSER** ..... 214/753-2055  
1100 Commerce Street, Room 14A4  
Dallas, Texas 75242

Bankruptcy Judge Harold C. **ABRAMSON** ..... 214/753-2110  
1100 Commerce Street, Room 12B2  
Dallas, Texas 75242

**4. Fort Worth Division**

Comprises the counties of Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Ms. Pam **MURPHY**, Manager ..... for recorded information: 817/978-3132  
501 West 10th Street, Room 310 ..... for assistance: 817/978-0023  
Fort Worth, Texas 76102

Judge John H. **McBRYDE** ..... 817/978-7574  
501 West 10th Street, Room 401  
Fort Worth, Texas 76102

Judge Terry R. **MEANS** ..... 817/978-4207  
501 West 10th Street, Room 201  
Fort Worth, Texas 76102

Senior Judge Eldon B. **MAHON** ..... 817/978-2011  
501 West 10th Street, Room 502  
Fort Worth, Texas 76102

Magistrate Judge Charles **BLEIL** ..... 817/978-2071  
501 West 10th Street, Room 520  
Fort Worth, Texas 76102

## Appendix II, *continued*

Bankruptcy Judge Massie **TILLMAN** ..... 817/978-3934  
501 West 10th Street  
Fort Worth, Texas 76102

Bankruptcy Judge Barbara J. **HOUSER** ..... 817/333-6025  
501 West 10th Street  
Fort Worth, Texas 76102

### 5. **Lubbock Division**

Comprises the counties of Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum.

Ms. Kristy **WEINHEIMER**, Deputy-in-Charge ..... 806/472-7624  
1205 Texas Avenue, Room C-209  
Lubbock, Texas 79401

Judge Sam R. **CUMMINGS** ..... 806/472-7459  
1205 Texas Avenue, Room C-210  
Lubbock, Texas 79401

Magistrate Judge Nancy **KOENIG**. .... 806/472-7380  
1205 Texas Avenue, Room 211  
Lubbock, Texas 79401

Bankruptcy Judge Robert L. **JONES** ..... 806/472-5020  
1205 Texas Avenue  
Lubbock, Texas 79401

### 6. **San Angelo Division**

Comprises the counties of Brown, Coke, Coleman, Concho, Crocket, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green.

Ms. Beverly **ROPER**, Deputy-in-Charge ..... 915/655-4506  
33 E. Twohig Street, Room 202  
San Angelo, Texas 79603

Judge Sam R. **CUMMINGS** ..... 806/472-7459  
1205 Texas Ave., Room C-210  
Lubbock, Texas 79401

## Appendix II, *continued*

Magistrate Judge Nancy **KOENIG** . . . . . 806/472-7380  
1205 Texas Avenue, Room 211  
Lubbock, Texas 79401

Magistrate Judge Phillip R. **LANE**\* . . . . . 915/653-1313  
P.O. Box 5460  
San Angelo, Texas 76902

\* Part-time Magistrate Judge

Bankruptcy Judge Robert L. **JONES** . . . . . 806/742-5020  
1205 Texas Avenue  
Lubbock, Texas 79401

### 7. **Wichita Falls Division**

Comprises the counties of Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

Ms. Allison **TERRY**, Deputy-in-Charge . . . . . 940/767-1902  
1000 Lamar Street, Room 203  
Wichita Falls, Texas 76301

Judge Jerry **BUCHMEYER** . . . . . 214/753-2295  
1100 Commerce Street, Rm. 15D28A  
Dallas, Texas 75242

Magistrate Judge Robert Kerry **ROACH**\* . . . . . 940/322-7856  
912 First Republic Bank Building  
Wichita Falls, Texas 76301-2268

Bankruptcy Judge Massie **TILLMAN** . . . . . 817/978-3934  
501 West 10th Street, Room 206  
Fort Worth, Texas 76102

\* Part-time Magistrate Judge

### Appendix III: Index of Miscellaneous Orders\*

1. Order Establishing the Procedure for Issuance of Orders for Entry on Premises to Effect Levy by Internal Revenue Service [*Adopted 9-26-77, Amended 2-16-79*].
2. Standing Order on Probation Conditions [*Adopted 8-28-64*].
3. Order Adopting the Plan for Representation of Defendants Under the Criminal Justice Act of 1964 [*Adopted 8-20-65, Amended 12-30-93*].
4. Standing Order Establishing Reporters' Rates for Transcripts [*Adopted 11-7-66, Amended 10-24-86*] [See LR 80.1 and LCrR 57.6].
5. Order Relating to the Selection of Grand and Petit Jurors in the Northern District of Texas [*Adopted 9-13-68, Amended 3-16-93*].
6. Order for the Adoption of Rules for the Exercise of Powers and Performance of Duties by United States Magistrates [*Adopted 1-20-71, Amended 12-21-93*] [See Appendix V].
7. Order Relating to the Disposition of Minor Offenses [*Adopted 3-15-71, Amended 5-5-93*] [See LCrR 58.1].
8. Order Adopting the Plan for Achieving Prompt Disposition of Criminal Cases [*Adopted 3-6-73, Amended 6-23-80*].
9. Order on Payment of Fees for Attorneys Appointed Under the Criminal Justice Act of 1964 [*Adopted 3-26-73, Amended 4-14-87*].
10. Order Requiring Civil Cover Sheet for All Cases Filed as Civil Actions [*Adopted 8-15-73*] [See LR 3.1 and Appendix I-D].
11. Standing Orders Relating to Bankruptcy Matters [*Adopted 7-28-75, Amended 9-30-79*] [Historical Only].
12. Order Providing for the Fixing of Conditions of Release [*Adopted 2-27-76*] [Historical Only].
13. Order Establishing Procedures for Handling Petitions and/or Motions for Post Conviction Relief Under 28 U.S.C. 2254 and 2255 [*Adopted 3-18-77*] [See LR 5.4].
14. Order Establishing Procedure for Handling Prisoner Civil Rights Actions [*Adopted 12-16-77*] [See LR 5.3].
15. Order Governing Applications to Proceed *In Forma Pauperis* [*Adopted 12-16-77*] [See LR 83.6].

\* Dates of amendments reflect most recent amendment for each miscellaneous order.

**Appendix III, continued**

16. Order Establishing Procedure for Admission to Practice in the United States District Court for the Northern District of Texas [*Adopted 12-16-77, Amended 4-27-93*] [See LR 83.7 and LCrR 57.7].
17. Order Adopting Local Rules of Practice [*Adopted 12-16-77, Amended 7-1-85*] [Now Special Order 2-1].
18. Order Establishing Special Miscellaneous Order Files and Repealing Previously Existing Local Rules and Miscellaneous Orders [*Adopted 12-16-77*] [Now Special Order 1-2] [See LR 83.2 and LCrR 57.2].
19. Order Sealing All Notifications of Disclosure of Grand Jury Material Pursuant to Rule 6(e)(2)(A)(ii) and Rule 6(e)(2)(B), Federal Rules of Criminal Procedure [*Adopted 12-5-77*] [Now Special Order 5-1].
20. Order Establishing the Procedure for Service of Civil Process and Central Violation Summons [*Adopted 3-2-78, Repealed by Miscellaneous Order No. 30 4-1-81*] [Historical Only].
21. Order Concerning Civil Jury Composition [*Adopted 4-7-78, Amended 5-29-80*] [Historical Only] [Not adopted as a Local Rule].
22. Order Concerning the Creation of Three New District Judgeships in the Northern District of Texas and the Orderly Assignment of Cases Pending on the Docket [*Adopted 10-27-78, Amended 5-13-82*] [Now Special Order 3-1].
23. Order Establishing the Procedure for Issuance of Inspection Warrants for Entry on Premises by Compliance Officers of the Occupational Safety and Health Administration, U.S. Department of Labor [*Adopted 12-4-78*].
24. Order Adopting the Model Federal Rules of Disciplinary Enforcement [*Adopted 12-7-78, Repealed 3-25-87*] [See LR 83.8 and LCrR 57.8].
25. Order Establishing Simplified Procedures for the United States of America to Take Money Judgment by Default [*Adopted 4-3-79*] [See LR 55.2].
26. Order Regarding Petition for Disclosure of Presentence or Probation Records [*Adopted 6-18-79, Amended 6-1-90*].
27. Order Amending Rule 11.3 of the Local Rules of Practice Before the United States District Court for the Northern District of Texas [*Adopted 7-9-80*] [Historical Only] [See LR 79.2 and LCrR 55.2].
28. Order Adopting Affirmative Action Plan for the United States District Court for the Northern District of Texas [*Adopted 7-11-80, Amended 5-18-93*] [Now Special Order No. 17].

### **Appendix III, continued**

29. Order Amending Local Rules 2.2 and 6.1(b) [*Adopted 10-24-80, Amended 6-24-83*] [Historical Only] [See LR 5.2].
30. Order Establishing Procedures for Service of Civil Process--Repealing Miscellaneous Order No. 20 [*Adopted 4-1-81, Amended 7-28-81*] [Historical Only].
31. Order Relating to Persons Detained/Incarcerated for Attendance at Criminal Trial as Witness [*Adopted 4-15-81*].
32. Order Establishing Procedures Following Appeal in Criminal Cases [*Adopted 10-21-81*].
33. Order Pertaining to Bankruptcy Judges Authority [*Adopted 10-4-82, Amended 12-19-84*].
34. Order Adopting the Plan for the Management of Court Reporting for the Northern District of Texas [*Adopted 2-1-83, Amended 7-21-92*].
35. Order Exempting Cases From Schedule and Planning Mandates of Rule 16(b), Federal Rules of Civil Procedure [*Adopted 9-16-83, Amended 1-16-84*] [See LR 16.1].
36. Order Establishing Procedures for Seeking Stay of Enforcement of State Court Judgment or Order [*Adopted 12-5-83*].
37. Order Amending Local Rule 5.1(e) Responding to Motions, Time for Responses, Provision for Reply; New Local Rule 8.1(c) Designation of Expert Witnesses; New Local Rule 12.2 Request for Attorney's Fees [*Adopted 1-16-84*] [Historical Only] [See LR 7.1, LR 26.2, LCrR 16.1, and LCrR 47.1].
38. Order Concerning the Requirement and Need for United States Marshals in All Criminal Proceedings in the Northern District of Texas [*Adopted 12-17-84*] [Now Special Order 6-1].
39. Order Pertaining to Interim Appointment of United States Attorney for the Northern District of Texas [*Adopted 6-17-85*] [Historical Only].
40. Order Pertaining to Firearms Policy for the United States Probation Office, Northern District of Texas [*Adopted 12-16-85, Amended 2/21/97*] [Now Special Order 7-1].
41. Order Pertaining to Clerk Accepting and Disbursing All Restitution Payments Other Than Those Payable to the United States, for Offenses Committed On or After January 1, 1985 [*Adopted 1-27-86*] [Now Special Order 10-1].
42. Order Pertaining to the Schedule Adopted for the Supervision of Grand Jury Proceedings by the United States District Judges of the Dallas Division of the Northern District of Texas [*Adopted 4-14-86, Amended 1-26-87*] [Now Special Order 5-2].
43. Order Pertaining to the Criminal Docket in the Dallas Division and the Assignment of Cases on Such Docket To Include the Name of the Honorable Sidney A. Fitzwater [*Adopted 4-17-86*] [Now Special Order 3-2].

**Appendix III, continued**

44. Order Establishing Length of Briefs and Requiring Table of Contents and Table of Authorities in Briefs Which Exceed Ten Pages in Length [*Adopted 12-23-88*] [See LR 7.2 and LCrR 47.2].
45. Order Regarding Deposit in Court Pursuant to Rule 67 of the Civil Rules [*Adopted 6-23-89, Amended 11-15-96*].
46. Civil Justice Expense and Delay Reduction Plan [*Adopted 3-22-93*].
47. Order Adopting Rules Governing Practice Before this Court by Law Students and Unlicensed Law Graduates [*Adopted 10-27-93*].
48. Order Enforcing Sanctions Imposed by Another Federal Court in Texas [*Adopted 11-16-93*].
49. Order Regarding Matters Pertaining to Court Interpreters [*Adopted 8-16-93, Amended 8-30-93*].
50. Order Closing Abilene Courtroom for Renovations [*Adopted 4-18-95*].
51. Order Providing for Disposition of Passports Surrendered [*Adopted 1-9-96*].
52. Order for Probation Form 12 Procedures [*Adopted 7-9-96*].
53. Amendment to Special Order No. 7-27 Firearms Policy for U.S. Probation Office [*Adopted 8-16-96*].
54. Approval of Oleoresin Capsicum (OC) a Personal Defense Spray for Duty for use by U.S. Probation and Pretrial Officers in the Northern District of Texas [*Adopted 11-4-96*].
55. Prisoner In Forma Pauperis Proceedings [*Adopted 2/26/97*].
56. Petition for Actions on Conditions of Pretrial release and Order for Warrant Shall be Presented to the Court in Envelope Marked “SEALED” [*Adopted 2/18/97*].
57. Order Establishing Disclosure of Information to State/Local Authorities for Sex Offender Registration/Notification.

## **Appendix IV: Index of Special Orders**

<b>Special Order No. 1:</b>	Order regarding Special Orders and Miscellaneous Orders. [ <i>Includes Miscellaneous No. 18</i> ]
<b>Special Order No. 2:</b>	Order regarding Local Rules and rule changes. [ <i>Includes Miscellaneous No. 17</i> ]
<b>Special Order No. 3:</b>	Order regarding Judgeships, case assignments. [ <i>Includes Miscellaneous Nos. 22 and 43</i> ]
<b>Special Order No. 4:</b>	Order regarding Bankruptcy administration.
<b>Special Order No. 5:</b>	Order regarding grand juries. [ <i>Including Miscellaneous Nos. 19 and 42; includes Old Miscellaneous Nos. 1251A and 1860</i> ]
<b>Special Order No. 6:</b>	Order regarding Court security. [ <i>Includes Miscellaneous No. 38</i> ]
<b>Special Order No. 7:</b>	Order regarding Probation Officers and that department. [ <i>Includes Miscellaneous No. 40; includes Old Miscellaneous No. 849</i> ]
<b>Special Order No. 8:</b>	Order regarding Pretrial Officers and that department. [ <i>Includes Old Miscellaneous No. 971</i> ]
<b>Special Order No. 9:</b>	Order regarding Special Attorneys and their appointment. [ <i>Includes Appointment of Special Attorneys</i> ]
<b>Special Order No. 10:</b>	Order regarding Court finance. [ <i>Includes Miscellaneous No. 41</i> ]
<b>Special Order No. 11:</b>	Order regarding naturalization. [ <i>Includes Old Miscellaneous No. 1073</i> ]
<b>Special Order No. 12:</b>	Order regarding imposition of sentences under the Sentencing Guidelines.
<b>Special Order No. 13:</b>	Order regarding the operation of the U.S. District Court.
<b>Special Order No. 14:</b>	Order regarding Pretrial Services and That Department.
<b>Special Order No. 15:</b>	Order regarding Designation and Assignment of Judges for Service in the U.S. District Court for the Northern District of Texas.
<b>Special Order No. 16:</b>	Order regarding Service on the United States pursuant to FED. R. CIV. P. 4(i)(1)(A).
<b>Special Order No. 17:</b>	Order regarding Equal Employment Opportunity and Employment Dispute Resolution Plan.

## **Appendix V: Excerpts From Miscellaneous Order No. 6**

### **Rule 1**

#### **Powers and Duties of Magistrates under 28 U.S.C. § 636(a)**

All United States magistrates serving within the territorial jurisdiction of the Northern District of Texas shall have the power and duty to:

- (a) Process criminal complaints and issue appropriate warrants or summons.
- (b) Issue search warrants.
- (c) Conduct initial appearances.
- (d) Impose conditions of release and admit persons to bail.
- . . .
- (p) Upon the consent of the defendant, conduct trial of persons accused of, and sentence persons convicted of misdemeanor offenses, including petty offenses (a misdemeanor, the penalty for which does not exceed imprisonment for a period of six months or a fine of not more than \$500.00, or both) pursuant to 18 U.S.C. 3401. . .

### **Rule 2**

#### **Additional Powers and Duties of Magistrates under 28 U.S.C. § 636(b)**

Upon entry of an order of reference by a District Judge, or when required to do so under the provisions of a local rule or general order of this Court, a magistrate may perform any of the following additional duties,. . .

##### **(a) Criminal Proceedings.**

- (1) General supervision of the criminal calendar, including calendar calls and motions to expedite or postpone the trial of the case.
- (2) Conduct of post indictment and post information arraignments, acceptance of not guilty pleas, and the ordering of a presentence report on a defendant who signifies the desire to plead guilty.
- (3) Conduct of pretrial conferences, omnibus hearings, and related proceedings.

##### **(b) Prisoner Petitions**

- (1) Review of petitions of state prisoners seeking post conviction relief from state custody under 28 U.S.C. 2254 and other petitions of state prisoners seeking to attack the fact or duration of their state confinement....

**Appendix V, continued**

- (2) Review of motions of federal prisoners for vacation of sentence under 28 U.S.C. 2255, and review of other petitions of federal prisoners for relief from custody.  
..
- (3) The review of civil suits by prisoners for deprivation of civil rights arising out of conditions of confinement under 42 U.S.C. 1983 and related statutes...

**(c) Civil Proceedings.**

- (1) General supervision of the civil calendar, including the handling of calendar calls and motions to expedite or postpone the trial of cases.
- (2) Conduct of preliminary and final pretrial conferences, status calls and settlement conferences, and the formulation of preparation of pretrial orders.
- (3) Hearing and determining pretrial procedural and discovery motions and any other motion or pretrial matter which is not specifically enumerated as an exception to 28 U.S.C. 636(b)(1)(A).
- (4) The review of motions:
  - (A) for injunctive relief,
  - (B) to dismiss for failure to state a claim upon which relief may be granted,
  - (C) to involuntarily dismiss an action,
  - (D) to vacate or set aside default judgments,
  - (E) to dismiss or permit the maintenance of a class action,
  - (F) for judgment on the pleadings, or
  - (G) for summary judgment

including the conduct of all necessary evidentiary and other hearings or oral arguments thereon, and the submission of reports and recommendations to the District Judge assigned to the case.

- (5) All the duties of a District Judge prescribed by Fed. R. Civ. P. 16.

**(d) Special Master References.**

- (1) Serving as a special master in accordance with Rule 53, Federal Rules of Civil Procedure: hearing testimony and submitting a report and findings on complicated issues in jury cases or in matters of account, difficult computation of damages and exceptional conditions in nonjury cases.  
...
- (3) Serving as a special master in any matter with the consent of the parties.  
...

**Appendix V, continued**

- (5) Conducting evidentiary hearings and preparing findings in employment discrimination cases under Title VII of the Civil Rights Act of 1964 whenever a judge has not scheduled a case for trial within 120 days after issue has been joined and upon reference to the magistrate by a District Judge.

**(e) Administrative Proceedings.**

- (1) Reviewing the record of administrative proceedings in suits for judicial review of final decisions of administrative agencies and submitting to the district judge to whom the case is assigned a report and recommendations as to (a) whether there are any defects in the agency proceedings which rise to the level of a deprivation of due process or a violation of a statute or regulations, (b) whether there should be a remand to the agency for additional factual determinations to complete the record, and (c) whether there is substantial evidence in the record to support the ultimate decision of the agency.

**(f) Miscellaneous Duties.**

. . .

- (8) Administer the Court's Criminal Justice Act Plan, including maintenance of a list of eligible attorneys, appoint attorneys and approve vouchers for compensation and expenses.
- (9) Any other duties assigned by the Court, or any Judge thereof, which are not inconsistent with the Constitution and laws of the United States.

### **Rule 3**

#### **Conduct of Trials and Dispositions of Civil Cases Upon Consent of the Parties -- 28 U.S.C. § 636(c)**

Upon the consent of the parties and the approval and referral of the district judge to whom the case is assigned, a full-time magistrate. . . may conduct any or all proceedings in any civil case which is filed in this court, *including the conduct of a jury or nonjury trial*, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings a magistrate may hear and determine any and all pretrial and post-trial motions which are filed by the parties, including case-dispositive motions.

**(a) In general**

In the course of conducting proceedings in accordance with 28 U.S.C. 636(c) a magistrate shall conform to all applicable provisions of federal statutes and rules, and to the general procedural rules of this court.

**Appendix V, continued**

**(b) Special provisions for the disposition of cases**

**(1) Notice.**

The clerk of court shall notify the parties in all civil cases that they may consent to a magistrate conduct any or all proceedings in the case and order the entry of final judgment. . .

. . .

**Rule 4**

**Review of Magistrate Judge Orders and Recommendations and Appeals  
to District Judge of Civil Cases Tried by Consent.**

**(a) Nondispositive Matters.**

Review of an order entered by a magistrate judge in a pretrial matter not dispositive of a claim or defense of a party shall be governed by Fed. R. Civ. P. 72(a). The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.

**(b) Dispositive Motions and Prisoner Petitions.**

A magistrate judge assigned without consent of the parties to hear a pretrial matter dispositive of a claim or defense of a party or a prisoner petition challenging the conditions of confinement shall enter a recommendation in accordance with Fed. R. Civ. P. 72(b). A party objecting to the recommended disposition, and a party who desires to respond to another party's objections, shall comply with Fed. R. Civ. P. 72(b). The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.

**(c) Special Master Reports.**

Objections to a magistrate judge report filed pursuant to Fed. R. Civ. P. 53(e)(2) shall be filed in accordance with that Rule. The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.